

**ONE HUNDRED THIRD LEGISLATURE - SECOND SESSION - 2014**  
**COMMITTEE STATEMENT (CORRECTED)**  
**LB920**

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**Hearing Date:** Wednesday January 29, 2014  
**Committee On:** Judiciary  
**Introducer:** Coash  
**One Liner:** Adopt the Public Guardianship Act

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**Roll Call Vote - Final Committee Action:**

Advanced to General File with amendment(s)

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**Vote Results:**

**Aye:** 8 Senators Ashford, Chambers, Christensen, Coash, Davis, Lathrop,  
McGill, Seiler

**Nay:**

**Absent:**

**Present Not Voting:**

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**Proponents:**

SEN. COLBY COASH  
CURTIS EVANS  
FRANCIS VOGT  
JOANNE FARRELL

JOANN MAURER  
AMBER GRAN  
BRUCE CUDLY  
THOMAS MAUL  
SEAMUS KELLY

DUSTIN A GRAN  
BRAD MEURENS  
SUSAN SPAHN  
JOHN MCHENRY  
JOE KOHOUT  
NICK FAUSTMAN

**Representing:**

INTRODUCER  
SELF  
SELF  
AGING PARTNERS-LINCOLN, AREA AGENCY ON  
AGING  
SELF  
SELF  
ASSOCIATED COMMUNITY PROFESSIONALS  
NE STATE BAR  
NEBRASKA PLANNING COUNCIL ON  
DEVELOPMENTAL DISABILITY  
SELF  
DISABILITY RIGHTS NEBRASKA  
SELF  
SELF  
NE COUNTY COURT ASSOCIATION  
NEBRASKA NURSING FACILITY ASSOCIATION,  
NEBRASKA ASSISTED LIVING ASSOCIATION

**Opponents:**

**Neutral:**

SUSAN BAZIS

LAURIE YARDLEY  
LYNN REDDING  
JANICE WALKER

**Representing:**

**Representing:**  
GUARDIANSHIP, CONSERVATORSHIP  
COMMISSION  
COUNTY JUDGES ASSOCIATION  
SELF  
NE SUPREME COURT

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**Summary of purpose and/or changes:**

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LB920 establishes the Public Guardianship Act, defines key terms, establishes the Office of Public Guardian and defines scope of the Office, and establishes the Advisory Council on Public Guardians and the body of the Council. Under the bill, the Office and Council are located in the judicial branch with appointment powers of the Office and Council given to the State Court Administrator.

Under LB920, the court may order appointment of the Public Guardian only after notice and a determination that the appointment is necessary and may require a finding whether there are alternatives to appointment. Fees for services will be set out by the Office pursuant to the rules promulgated under the act. The bill caps appointments for individuals in the Office to caseloads of forty and upon reaching the cap, the Office shall notify the State Court Administrator and sets out the process for termination of the guardianship when it appears that the services of the Public Guardian are no longer necessary. The bill requires promulgation of rules by the Supreme Court in consultation with the Public Guardian and Council in order to carry out the duties of the Act. Section 10 of LB920 provides the Office and staff civil immunity for statements or decisions made in the process of their duties unless there is willful or wanton misconduct. Section 12 sets out reporting duties of the Public Guardian and requires annual reporting to the Chief Justice and the Legislature after the implementation of the act or before January 1 of each year.

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**Explanation of amendments:**

AM1781 to LB920

The Committee adopted AM1781 which strikes the original bill, adopts most of the pre-existing language in LB920, and amends the following areas:

Page 4, Line 18 - adds the knowledge of "intellectual disabilities" as requirement for the educational background of the duties that the Public Guardian should have;

Page 7, Section 10 - immunity provisions were removed for the Public Guardian, associate public guardians, and staff members in the office;

Page 8, Sec 14 - was modified so that the Office of Public Guardian would file an aggregate report and not individual reports;

Page 10, Section 18 - Creates the Public Guardianship Cash Fund administered by the State Court Administrator and the money shall be used to support the Public Guardianship Act. Money in the fund available for investment shall be investment by the state investment officer.

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Brad Ashford, Chairperson